

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS**

**JERRY L. WEESE,**

**Plaintiff,**

**v.**

**Civil Action No. 2:10cv111  
(BAILEY)**

**CENTRAL REGIONAL JAIL, et al.,**

**Defendants.**

**ORDER DISMISSING CASE**

On September 20, 2010, the *pro se* plaintiff initiated this case by filing a letter in the United States District Court for the Southern District of West Virginia which was docketed as civil rights letter-form complaint. Because the plaintiff raised allegations concerning his medical treatment at the Central Regional Jail, which is located within the jurisdiction of this Court, the case was transferred here on September 20, 2010. Upon receiving the case, the Clerk of the Court issued the plaintiff a Notice of Deficient Pleading and attached an Application to proceed *in forma pauperis*, a Prisoner Trust Account Report, a Consent to Collection of Fees from Trust Account, and a form 1983 Complaint. The Deficiency Notice advised the plaintiff that failure to complete the forms forwarded to him within twenty-one (21) days might result in dismissal of his case without prejudice. When the plaintiff filed to comply with the Deficiency Notice within the prescribed time period, the United Magistrate

Judge issued an Order to Show Cause which was docketed on October 18, 2010 and sent by certified mail, return receipt requested. The Order advised the plaintiff that he had fourteen (14) days from entry of the Order to show cause why his case should not be dismissed without prejudice. The return receipt indicates that the Order was received at Central Regional Jail on October 19, 2010.

Upon review of the file on this date, the Court finds that the plaintiff has not complied with the Court's order of October 18, 2010, has not requested an extension of time to do so, or otherwise explained his reasons for noncompliance. Accordingly, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, it is **ORDERED** that the Letter-Form Complaint [Dckt. 1] is hereby **DISMISSED WITHOUT PREJUDICE** for the failure to prosecute. It is further **ORDERED** that this civil action be **DISMISSED and STRICKEN** from the active docket of this Court.

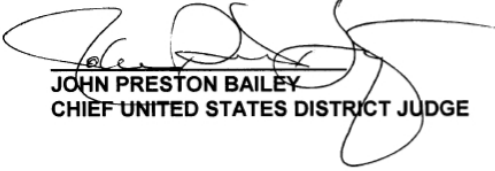
Accordingly, it is **ORDERED** that, pursuant to Rule 11(a) of the Rules Governing Section 2254 and Section 2255 Cases, this Court declines to issue a certificate of appealability, as the petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000))).

IT IS SO **ORDERED**.

The Clerk is **DIRECTED** to transmit a copy of this order to the plaintiff by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

The Clerk is further directed to enter judgment on this matter.

**DATED:** November 10, 2010



JOHN PRESTON BAILEY  
CHIEF UNITED STATES DISTRICT JUDGE